S.1 Project Purpose & Need

The California Department of Transportation (Caltrans) and Federal Highway Administration (FHWA) propose to construct a four-lane freeway around the City of Lincoln, in Placer County (see Figure i, ii and iii). The project begins 0.3 km (0.5 mi) south of Industrial Avenue and ends near Riosa Road. A map showing the alternatives is presented in Chapter 2 (See Figure 2-1). Seven alternatives were evaluated in the Draft Environmental Impact Statement/Report (EIS/R); the AAC2, A5C1 (AC alternatives), D1 and D13, D13 South Modified, D13 North Modified (D alternatives) and the "No Build" alternative. The last two alternatives, D13 South Modified and D13 North Modified, were developed in response to information gathered at the Public Open House held on September 22, 1999.

A number of additional alternatives were also evaluated, but withdrawn from consideration for various reasons. These are discussed at the end of Chapter 2.

Approval of this Final EIS/R and the subsequent Record of Decision (ROD) issued by the FHWA and Notice of Determination (NOD) issued by Caltrans would allow for the acquisition of right-of-way for the ultimate four-lane freeway and provide for approval and construction of freeway and interchange locations.

During the public circulation of the Draft EIS/R, an open house was held on December 18, 2001. Over 300 people attended and there were 176 comments received on the Draft EIS/R. These comments and responses can be found in Appendix K.

The purpose of the project is to relieve congestion and improve safety on existing State Route (SR) 65 in the vicinity of the City of Lincoln and provide for a regional traffic solution to accommodate projected traffic volumes for the year 2025. Traffic studies were completed with the 2025 design year in mind.

Continuing planned growth in south Placer County and the Sacramento Valley has resulted in the need for a new and improved SR 65 corridor, which would alleviate congestion in the City of Lincoln while providing for improved inter-regional traffic flow. The existing facility through Lincoln is a "Main Street" highway, which will not serve the ultimate transportation needs of the region. Due primarily to congestion, the collision rate in downtown Lincoln is higher than the Statewide average rate for this type of facility. SR 65 south of Lincoln and within downtown Lincoln currently exceeds available capacity.

The proposed project is partially funded and is programmed in the SACOG Metropolitan Transportation Plan (MTP) 2027 which was found to conform by the SACOG Board on March 16, 2006, and FHWA and FTA adopted the air quality conformity finding on April 20, 2006. The project is also included in the SACOG's financially constrained 2004-2006 MTIP, which was found to conform by FHWA and FTA on April 20, 2006. This proposed project's preferred alternative design, concept and scope are consistent with the above-mentioned documents, the 2004 STIP, and the proposed 2006 STIP.

In order for the project to be included in the MTIP, it must be in conformance with air quality standards and must meet certain criteria. This project has been analyzed and will not significantly change the air quality in the City of Lincoln.

S.2 Brief Description of Project

The six build alternatives are of various lengths, ranging from 18.6 km to 20.6 km (11.6 to 12.8 miles). They are shown in Figure 2-1 and described in Chapter 2.

The project begins just south of Industrial Avenue (KP R19.3 [PM R12.0]) and ends near Riosa Road (KP R38.3 [PM 23.8]). All the "Build" alternatives begin at the same location and meet existing SR 65 at slightly different locations between Dowd Road and the Bear River near Riosa Road. All of the alternatives descriptions begin on the south end of the project and are described south to north.

Due to funding constraints, the proposed preferred alternative would be built in stages: The minimum project staging includes a four-lane expressway commencing just south of Industrial Avenue proceeding to the north to Nelson Lane. A partial interchange would be constructed at Industrial Avenue. North of Nelson Lane a two-lane facility would be constructed. At-grade intersections would be constructed at Nelson Lane, Wise Road and Riosa Roads for the first phase. As traffic congestion increases, additional lanes and interchanges would be constructed. The northbound roadbed will be constructed initially and operated as a two-lane conventional highway from Nelson Road to the tie in with existing SR 65, until future construction provides for the parallel roadbed. Right-of-way would be acquired for the entire project during the first phase.

Possible temporary construction activities that will occur include constructing a temporary detour road in the median of the existing freeway right of way at the beginning of the project near Industrial Avenue. The width of this road will vary from 0 m to 18 m (59 ft), with the average width being 11 m (36 ft), and will extend from PM 12.0 to PM 12.2 (near Industrial Avenue). The purpose of this temporary detour is to allow construction, while minimizing the impact on traffic. The temporary road construction

activities include excavation, placement of embankment, aggregate base, and asphalt concrete pavement. The detour road will be used for staging for a period of twelve to twenty four months. Temporary drainage features may be placed to accommodate detours. When the staging work is finished, this detour road will be removed.

S.2.1 Preferred Alternative D13 North Modified

Caltrans and FHWA determined, and the U.S. Environmental Protection Agency concurred on July 9, 2003 and the U.S. Army Corps of Engineers concurred on August 8, 2003, that the D13 North Modified alternative is the least environmentally damaging practicable alternative (LEDPA). The impacts to vernal pools and wetlands are comparable for all the alternatives. However, the A5C1 and AAC2 alternatives impact higher quality vernal pools than the D alternatives. In addition, the AC alternatives have a much greater community impact than the D alternatives. During the ten years between concurrence on the "range of alternatives" and the present, growth in Lincoln has continued. Several developments have been approved or are already built within the AC alignment. A recent count of residences affected by the project shows that the A5C1 alternative impacts 461 residents and the AAC2 alternative impacts 469 residents. See Table ii for a comparison of the alternatives.

All of the alternatives except the D13 North Modified require acquisition of property that is under a Wetlands Conservation Easement in the Wetlands Reserve Program (known as the USDA Wetland Conservation Easement throughout this document).

The cumulative and indirect impacts of the project are similar for all the alternatives. As indicated by both the City and County's general plans, it is apparent that the future land use of the study area has been established regardless of the location of the bypass. According to the comment letters received at the open house, the city planners and the residents of Lincoln are overwhelmingly in favor of the D13 alternatives and opposed to the AAC2 and A5C1 alternatives.

Project Description for the D13 North Modified Alternative

The Draft EIS/R for the SR 65 Lincoln Bypass Project evaluated the ultimate project, which includes a four-lane freeway with a partial interchange at Industrial Avenue and interchanges at Nelson Lane, Wise Road and Riosa Road. There will be an overcrossing at Nicolaus Road and a cul-de-sac at Moore Road and Dowd Road, neither of which will have access to the freeway.

Due to funding constraints, the ultimate project cannot be built immediately. Initially, four lanes will be constructed from the beginning of the project near Industrial Avenue to just north of the proposed North Ingram Slough Bridge. From that point on to where the Bypass would re-join existing SR 65 near Sheridan, only two lanes will be constructed and an over crossing at Nicolaus Road and a frontage road for Dowd Road. Right of way for the ultimate four-lane freeway will be purchased during the first phase due to the rising costs of right-of-way. The first phase of the proposed project also includes construction of an at-grade intersection at Nelson Lane, Wise Road, and Riosa Road.

Several options were considered to avoid potential indirect/secondary impacts stemming from the intersection, and later, interchange at Wise Road, to nearby aquatic resources; specifically the Coon Creek watershed. A conservation easement in the Coon Creek watershed, equivalent to the approximate cost of constructing an over crossing structure at Wise Road, is included in the project to address these concerns.

In addition, a 32.4 ha (80 ac) floodplain easement is proposed for the northeast quadrant of the Wise Road intersection to collect floodwater. The floodplain easement will allow the construction of a shorter bridge and a lowered roadway profile, saving the cost of additional fill. The floodplain easement will also prevent any development from occurring in that area.

S.3 Other Alternatives Considered

Fifteen distinct alternatives have been considered in addition to the "No Build" alternative. Of those 15, seven alternatives were evaluated in depth in the Draft EIS/R, including the "No Build," AAC2, A5C1, D1, D13 and D13 South Modified and the D 13 North Modified. In compliance with federal, state and local environmental regulations, existing wetland areas and environmental impacts associated with these seven alternatives were studied in detail. The D 13 North Modified appeared best meet the purpose and need. The remaining nine alternatives were previously eliminated from further study in the Draft EIS/R for a variety of reasons. These rejected alternatives and reasons for elimination are shown in Table i.

Table i Rejected Alternatives

ALTERNATIVE	REASON FOR ELIMINATION
AA	Would not alleviate traffic problems or accommodate future traffic demands. Would have greater impacts to existing and proposed dwellings.
A5	Would not alleviate traffic problems or accommodate future traffic demands. Would have greater impacts to existing and proposed dwellings.

ALTERNATIVE	REASON FOR ELIMINATION
A3	Would not alleviate traffic problems or accommodate future traffic demands. Alignment would close existing Lakeside Drive and disrupt existing subdivision.
A4	Would not alleviate traffic problems or accommodate future traffic demands.
D2	Would have greater impacts on dwellings, wetlands and vernal pools than the D1 alternative.
D13 Dowd Modified	Eliminated from further consideration due to the non-access controlled segment on Dowd Road, proximity to existing driveways and traffic safety and operations.
T	Would fail to meet regional traffic needs. Numerous cross-streets and driveways would remain and traffic congestion would increase.
E	This alignment would not meet the regional traffic demands and existing traffic patterns.
TSM (Transportation System Management)	The October 1995 Major Investment Study eliminated this alternative from further consideration.
AFD	Would require extensive frontage roads and right-of-way. The 1990 Stage II Project Work Program eliminated this alternative from further consideration.

S.3.1 No Build Alternative

The "No Build" alternative would be to not build the project. However, routine maintenance and operational improvements would continue. If the "No Build" alternative were chosen, congestion would continue in the City of Lincoln. The Level of Service would continue to be a LOS F within the city limits. The safety of the traveling public and the residents of the town would be compromised due to the continuing congestion.

S.4 Other Major Actions in the Project Vicinity

The transportation corridor between Sacramento and Yuba City is currently under scrutiny for improvement with a number of highway improvements being evaluated for the area. In the immediate vicinity, SR 65 is being improved with widening and interchanges from Roseville to Lincoln. The parallel routes of SR 99 and SR 70 also have improvements such as widening and the addition of interchanges proposed. The goal of Caltrans, SACOG and other agencies is to connect the Marysville/Yuba City area to the California freeway and expressway system. More information on this is offered in Chapter 1.

Other major non-transportation projects in the area include several residential developments such as Del Webb's Sun City Lincoln Hills, Lincoln Crossing, Foskett Ranch, Aitken Ranch, Three D, Sterling Pointe, and the Regional Wastewater Treatment Plant in Lincoln and Teichert Mining operation near Coon Creek. Tables 1-11 and 1-12 in Chapter 1 further describe these projects. Development of these and other areas at build-out could result in nearly 80,000 new residential units and associated commercial

development. Please see tables 1-11 and 1-12 in Chapter 1 for more information on development proposals in the Lincoln area.

S.4.1 Summary of Major Environmental Impacts

Table ii summarizes the potential environmental impacts of this project, including socioeconomic, cultural and natural resource impacts and funding. This table quantifies the impacts in each of these areas and puts these figures in table form for comparison.

Preliminary design information was used in Table ii to compare the impacts to natural resources. The same level of design was used for all the alternatives in order to provide an equal basis for comparing the alternatives. After receiving the Least Environmentally Damaging Practicable Alternative (LEDPA) concurrence from EPA and USACE, a higher level of design has been completed for just the preferred alternative. The increase in impacts is due to revised design information that was applied to the LEDPA and the application of FWS guidelines and recommendations regarding direct and indirect impacts. All of the other alternatives, if chosen as the LEDPA, would have increased impacts to resources with these revisions. The difference in resource impacts is displayed in Table iii. Only those impacts that have changed are listed in Table iii.

In addition to permanent impacts, there are temporary impacts that will occur during construction. These temporary impacts are as follows:

- Vernal and freshwater marsh habitats: 0.04 ha (0.09 ac)
- Other non-wetland waters: 0.15 ha (0.36 ac)
- Mixed riparian forest habitats: 1.52 ha (3.76 ac)

The project costs that are displayed in Table ii were based upon preliminary design data for the comparison of alternatives. The costs associated with the preferred alternative have been revised and are estimated to range from approximately $210 to $240 million. If any of the other alternatives had been preferred, detailed design and right-of-way data would have been applied and the associated costs would have increased accordingly.

Table ii Summary of Impacts

	A5C1 Alternative	AAC2 Alternative	D1 Alternative	D13 Alternative	D13 South Modified Alternative	D13 North Modified Alternative
Wetlands/ Non-wetland Waters	7.85 ha (19.4 ac) wetlands/waters 4.65 ha (11.5 ac) vernal pool/swale 2.59 ha (6.4 ac) of marsh Two high value vernal pool complexes	6.23 ha (15.4 ac) wetlands/waters 3.80 ha (9.4 ac) vernal pool/swales 1.83 ha (4.5 ac) of marsh Two high value vernal pool complexes	5.30 ha (13.1 ac) wetlands/waters 2.43 ha (6.0 ac) vernal pool/swales 2.38 ha (5.9 ac) of marsh One high value marsh	4.73 ha (11.7 ac) wetlands/waters 2.14 ha (5.3 ac) vernal pools/swales 2.22 ha (5.5) ac of marsh One high value marsh	5.91ha (14.6 ac) wetlands/waters 3.28 ha (8.1 ac) vernal pool/swales 2.22 ha (5.5 ac) marsh	5.50 ha (13.6 ac) wetlands/waters 2.23 ha (5.5 ac) vernal pools/swales 2.95 ha (7.3 ac) of marsh
Special Status Species	Vernal pool fairy shrimp, vernal pool tadpole shrimp, valley elderberry longhorn beetle, Swainson's hawk	Vernal pool fairy shrimp, vernal pool tadpole shrimp, valley elderberry longhorn beetle, Swainson's hawk	Vernal pool fairy shrimp, vernal pool tadpole shrimp, valley elderberry longhorn beetle, Swainson's hawk	Vernal pool fairy shrimp, vernal pool tadpole shrimp, valley elderberry longhorn beetle, Swainson's hawk	Vernal pool fairy shrimp, vernal pool tadpole shrimp, valley elderberry longhorn beetle, Swainson's hawk	Vernal pool fairy shrimp, vernal pool tadpole shrimp, valley elderberry longhorn beetle, Swainson's hawk
Natural Communities Wildlife, Fisheries	93.68 ha (231.5 ac) grasslands containing vernal pools 2.06 ha (5.1 ac) riparian forest 6.11 ha (15.1 ac) oak woodland	88.18 ha (217.9 ac) grasslands containing vernal pools 1.05 ha (2.6 ac) riparian forest 10.16 ha (25.1 ac) oak woodland	76.01 ha (187.8ac) grasslands containing vernal pools 1.13 ha (2.8 ac) riparian forest 0.4 ha (1.0 acre) oak woodland	70.05 ha (173.1 ac) grasslands containing vernal pools 1.21 ha (3.0 ac) riparian forest 3.28 ha (8.1 ac) oak woodland	76.65 ha (189.4 ac) grassland/ vernal pool 1.05 ha (2.6 ac) riparian forest 0.08 ha (0.2 ac) oak woodland	80.98 ha (200.1 ac) grassland/ vernal pool 1.213 ha (3.0 ac) riparian forest 3.28 ha (8.6 ac) oak woodland
Water Quality	202.92 ha (501.4 ac) footprint with 11 stream crossings	196.20 ha (484.8 ac) footprint with 11 stream crossings	195.79 ha (483.8 ac) footprint with 9 stream crossings	213.88 ha (528.5 ac) footprint with 9 stream crossings	210.28 ha (519.6 ac) footprint with 9 stream crossings	214.69 ha (530.5 ac) footprint with 9 stream crossings
Cultural Resources	Requires small amount of right-of-way from property eligible for National Register.	Requires small amount of right-of-way from property eligible for National Register. Impacts to recorded archeological site	Requires small amount of right-of-way from property eligible for National Register.	Requires small amount of right-of-way from property eligible for National Register.	Requires small amount of right-of-way from property eligible for National Register.	Requires small amount of right-of-way from property eligible for National Register.
Section 4(f) Use	Yes, *de minimis*	If the archaeological site is determined to require preservation in place, then this alternative would affect a Section 4(f) property.	Yes, *de minimis*	Yes, *de minimis*	Yes, *de minimis*	Yes, *de minimis*

	A5C1 Alternative	AAC2 Alternative	D1 Alternative	D13 Alternative	D13 South Modified Alternative	D13 North Modified Alternative
Agricultural Land	52.17 ha 128.9 ac	51.1 ha 126.3 ac	84.4 ha 208.5 ac	102.11 ha 252.2 ac	92.84 ha 229.4 ac	94.74 ha 234.1 ac
Hazardous Waste	Potential	Potential	Potential	Potential	Potential	Potential
Land Use/ Socio-economics	Residences: 461 Businesses: 5	Residences: 469 Businesses: 2	Residences: 20 Businesses: 6	Residences: 10 Businesses: 3	Residences: 10 Businesses: 1	Residences: 8 Businesses: 3
Cost	$159 million (min) $200 million (max)	$163 million (min) $195million (max)	$174 million (min) $205 million (max)	$165 million (min) $196 million (max)	$164 million (min) $195 million (max)	$184 million (min) $220 million (max)

Table iii Preferred Alternative Revised Impacts

D13 North Modified	Wetlands/ Non-wetland Waters	Natural Communities Wildlife, Fisheries	Water Quality	Agricultural Land
Direct Impacts	0.11 ha (0.26 ac) non - wetlands/waters 10.9 ha (26.9 ac) vernal pools/swales 6.54 ha (16.15 ac) of vernal and freshwater marsh	0.01 ha (0.02 ac) willow scrub 17.13 ha (42.33 ac) nonnative grassland 113.49 ha (280.43 ac) grassland northern hardpan vernal pool complex 1.65 ha (4.07 ac) grassland/northern volcanic mudflow vernal pool complex 0.69 ha (1.70 ac) mixed riparian forest 5.35 ha (13.22 ac) mixed oak woodland 9.55 ha (23.59 ac) vernal pool fairy shrimp critical habitat	333.1 ha (823 ac) footprint with 9 stream crossings	157.19 ha (388.40 ac)
Indirect Impacts [1]	8.5 ha (21.0 ac) vernal pools/swales	6.93 ha (17.12 ac) vernal pool fairy shrimp critical habitat	377.2 ha (932 ac) footprint	

[1] Indirect impacts were determined based upon USFWS guidelines and in cooperation during Section 7 consultation.

S.5 Issues and Areas of Controversy

S.5.1 Farmland Loss

The proposed project would require approximately 21 to 22 ha (52-55 ac) of prime farmland. There are approximately 5961 ha (14,903 ac) of prime farmland in Placer County. Thus, the maximum amount potentially removed from production represents approximately 0.004 percent of the total.

S.5.2 USDA Wetland Conservation Easement

One property within the proposed right of way for the Lincoln Bypass is in a conservation easement called the Wetlands Reserve Program administered by the U.S. Dept. of Agriculture (USDA Wetlands Conservation Easement). The Wetlands Reserve Program is a voluntary program offering landowners the opportunity to protect, preserve and enhance wetlands on their property. The program is targeted at marginal farmland that was previously wetlands. The D13 North Modified was developed to avoid this property and is presented in more detail in Chapter 2.

S.5.3 Growth Inducement

Policy makers in Placer County and the City of Lincoln feel that growth is inevitable, and have developed strategies to manage it so this area retains the qualities of life the citizens' desire. The city has laid the groundwork to become the next large growth area in western Placer County. Lincoln was the state's second fastest growing community in 2004, growing at a rate of 16.8%. The City gained 1,966 housing units in 2004, bringing the population to 27,356 in January 2005.

In 1988, the City of Lincoln updated its General Plan to designate areas where development should occur. The City determined that the adoption of the proposed Land Use Element would cause significant growth inducing impacts, resulting in levels of population and urban development in excess of that which would otherwise occur within the existing city limits under the former General Plan. According to the City of Lincoln's General Plan Environmental Impact Report, Lincoln's adoption of the land use policies specified in the General Plan would commit lands for mixed urban uses that are currently used for agriculture and livestock grazing. The distribution and concentration of population would also be increased by adoption of the Land Use Element. These impacts were found to be both significant and un-mitigatible. The Bypass is a critical component

of the circulation plan. Lincoln is currently updating its 1988 General Plan with additional information on land use policies and impacts of its recent growth.

An Indirect and Cumulative Impact Analysis was prepared for the Lincoln Bypass, which includes information on growth inducing impacts. Updated information on these impacts is included in this document in Appendix I.

S.5.4 Sensitive Habitat Impacts

Wetlands are distributed throughout the project area; thus any project alternative involving new construction would impact wetlands. Vernal pools are considered among the more biologically sensitive wetland types due to their relative scarcity and the difficulty in mitigating impacts to this type of wetlands. Vernal pools also provide habitat for several sensitive plant and animal species found in the area. Table iv and Table v compare the total wetland loss and oak habitat loss for all the alignments.

Table iv Wetland Habitat Loss

	AAC2	A5C1	D1	D13	D13 South Modified	D13 North Modified
USACE Jurisdictional Waters in hectares (ac)	6.23 ha (15.4 ac)	7.85 ha (19.4 ac)	5.30 ha (13.1 ac)	4.73 ha (11.7 ac)	5.91 ha (14.6 ac)	5.1 ha (13.8 ac)
Vernal Pools and swales in hectares (ac)	3.80 ha (9.4 ac)	4.65 ha (11.5 ac)	2.43 ha (6.0 ac)	2.14 ha (5.3 ac)	3.28 ha (8.1ac)	2.0 ha (5.0 ac)

Table v Oak Habitat Loss

	AAC2	A5C1	D1	D13	D13 South Modified	D13 North Modified
Oak habitat in hectares (acres)	10.16 ha (25.1 ac)	6.11 ha (15.1 ac)	0.4 ha (1.0 ac)	3.28 ha (8.1 ac)	0.08 ha (0.2 ac)	3.28 ha (8.1 ac)

The previous tables were used in the initial comparison of the alternatives and based upon preliminary design information. The preferred alternative (D13 North Modified) was chosen based upon these preliminary numbers. The D13 North Modified alternative was then further designed, and the USFWS threatened and endangered species impact methodology was applied. In addition, wetlands were created by beavers at Yankee Slough, which contributed several hectares to the previously identified impacts. The revised impact numbers are as follows:

Table vi Preferred Alternative Revised Habitat Loss

Habitat	D13 North Modified
USACE Jurisdictional Wetlands/Waters in hectares (ac)	6.64 ha (16.43 ac)
Vernal Pools and swales in hectares (ac)	19.38 ha (47.90 ac)
Oak habitat in hectares (acres)	5.35 ha (13.22 ac)

S.5.5 Endangered Species Habitat

Chapters 3 and 4 describe all the special status species that could be affected by the project. The plants and animals listed in Table vii are protected by either the Federal Endangered Species Act, or the California Endangered Species Act.

Table vii Federal and State Threatened and Endangered Species Potentially Occurring in the Project Area

Common Name	Latin Name	Status
Swainson's hawk	*Buteo swainsoni*	State Threatened
American peregrine falcon	*Falco peregrinus anatum*	State Endangered
Aleutian Canada goose	*Branta canadensis leucopareia*	Federally Threatened
California red-legged frog	*Rana aurora draytonii*	Federally Threatened
Vernal pool fairy shrimp	*Branchinecta lynchi*	Federally Threatened
Vernal pool tadpole shrimp	*Lepidurus packardi*	Federally Endangered
Valley elderberry longhorn beetle	*Desmocerus californicus dimorphus*	Federally Threatened
Slender Orcutt grass	*Orcuttia tenuis*	Federally Threatened, State Endangered
Sacramento Orcutt grass	*Orcuttia viscida*	Federally Endangered State Endangered
Bogg's Lake hedge-hyssop	*Gratiola heterosepala*	State Endangered

S.6 Other Federal Actions Required For This Project

S.6.1 NEPA/404 MOU / Concurrence process

A Section 404 Individual Permit would be required from the U.S. Army Corps of Engineers (USACE) for impacts on wetlands and waters of the U.S. The USACE issues the permit; however, the U.S. Environmental Protection Agency has oversight and override authority of this permit.

Concurrence has been obtained on the project's purpose and need, range of alternatives and criteria for choosing an alternative by the signatories of the NEPA/404 MOU: the U.S. Army Corps of Engineers (USACE), U.S. Environmental Protection Agency (EPA), National Marine Fisheries Service (NMFS), the U.S. Fish and Wildlife Service (FWS), Federal Highway Administration (FHWA) and Caltrans.

An Alternatives Analysis prepared in accordance with the Clean Water Act, Section 404(b)(1) Guidelines and following the NEPA/404 Integration Process has been completed. The Alternatives Analysis identified the "Least Environmentally Damaging Practicable Alternative" (LEDPA). Written agreement that the preferred alternative is the

LEDPA is required from USACE and EPA. The LEDPA concurrence has been obtained from both the EPA (7/9/03) and USACE (8/8/03). The preferred alternative, D13 North Modified is the LEDPA based upon information contained in this EIS/R. Preliminary concurrence has been given by the EPA and USACE on the Draft Conceptual Mitigation and Monitoring Plan in December 2004. Once this final concurrence is obtained and the Final EIS/R is updated, the Conceptual Mitigation Plan will be finalized. This information will be used in obtaining the Individual Permit from the USACE.

A wetland verification was completed for the project impacts, however, that verification expired in 1991. Caltrans met with the USACE and requested that the expired verification be adequate for use in comparing impacts until a preferred alternative is chosen. At that time, a new wetland delineation and verification would be performed. The USACE agreed to this approach. (Meeting with USACE on March 11, 1999). A new Wetland Delineation was submitted to the USACE in February 2004 and is awaiting final approval, pending final design.

After circulation of the Draft EIS/R and identification of the LEDPA, a preliminary agreement with FWS on the project mitigation is required. A "Non-Jeopardy" Biological Opinion pursuant to the Federal Endangered Species Act was received from the FWS on February 2, 2005 and a preliminary agreement on mitigation has been received. A request to modify the BO was sent in January 2006 and granted on March 21, 2006.

S.6.2 FHWA Re-evaluation

According to FHWA's regulations implementing the National Environmental Policy Act (NEPA), 23 CFR § 771.129(a):

[a] written evaluation of the draft EIS shall be prepared by the applicant in cooperation with the Administration if an acceptable final EIS is not submitted to the Administration within 3 years from the date of the draft EIS circulation. The purpose of this evaluation is to determine whether or not a supplement to the draft EIS or a new draft EIS is needed.

A re-evaluation was submitted to FHWA on April 12, 2006. The re-evaluation summarized the project and changes in the natural and social environment that have occurred since the Draft was circulated. FHWA concurred on April 17, 2006.

Figure i Project Location

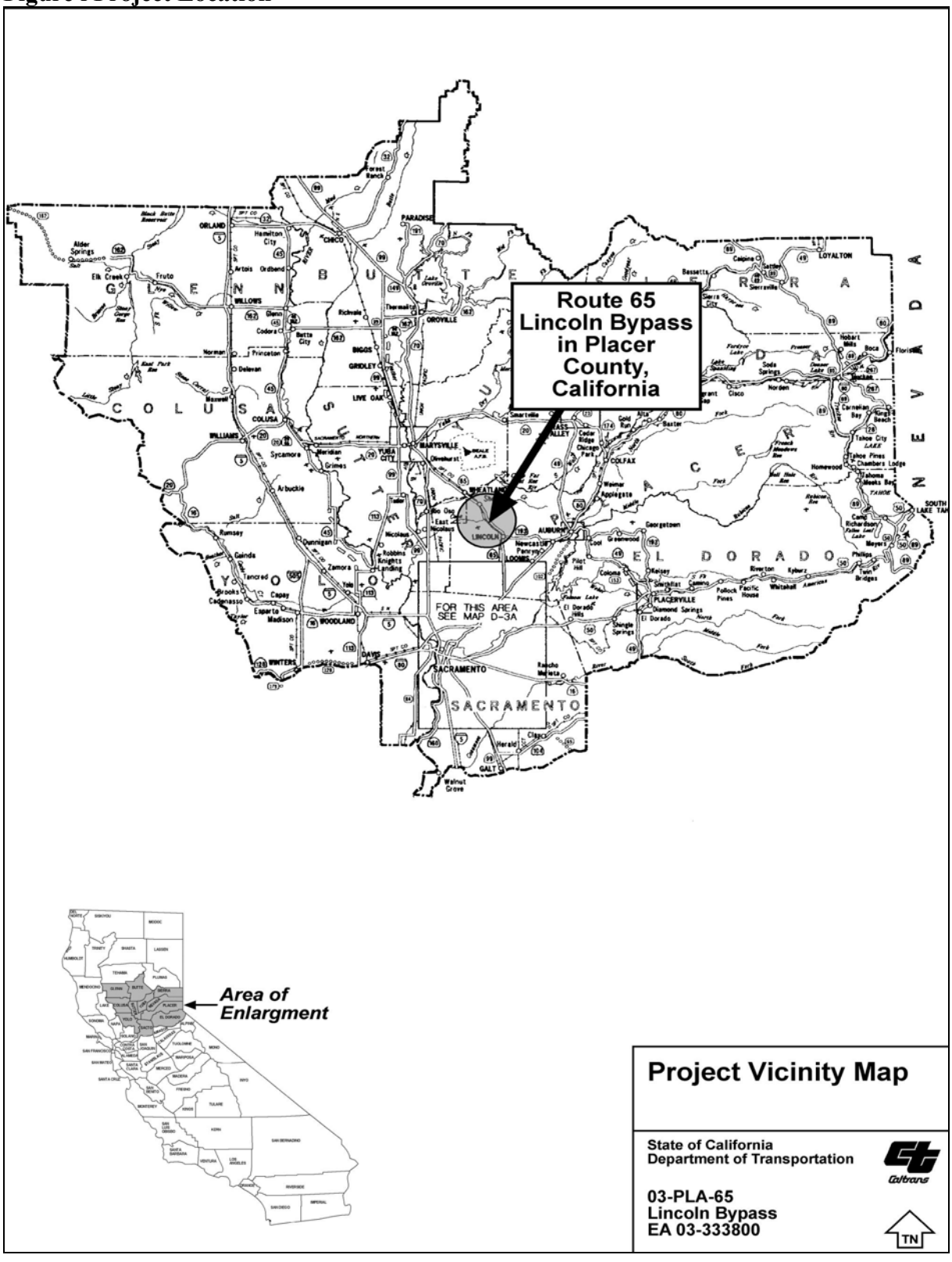

Figure ii Vicinity

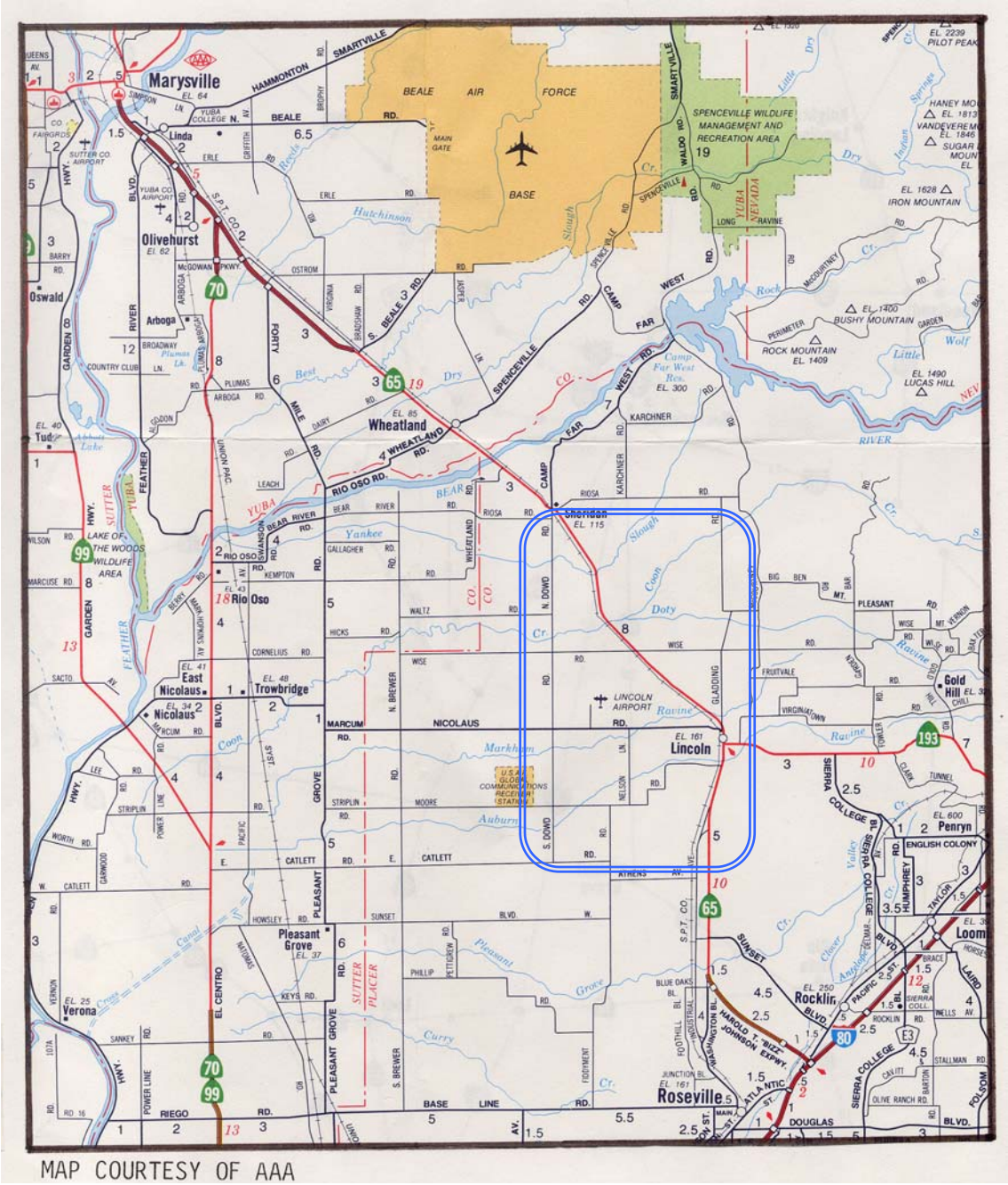

Figure iii Map of City of Lincoln